

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of TYLER LEE CANADA, HUNTER  
MICHAEL CANADA, DAKOTA WILLIAM  
CANADA, and JEFFREY CANADA, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CYNTHIA CANADA,

Respondent-Appellant,

and

BOE LEE NORTON, DARVYN TAYLOR, and  
JEFFREY VOGEL,

Respondents.

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In the Matter of TYLER CANADA, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BOE NORTON,

Respondent-Appellant.

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UNPUBLISHED

January 29, 2008

No. 278854

Calhoun Circuit Court

Family Division

LC No. 06-000162-NA

No. 278855

Calhoun Circuit Court

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Before: Beckering, P.J., and Sawyer and Fort Hood, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent Cynthia Canada's sole claim on appeal is that the trial court erred when it failed to conduct the termination hearing within the time limits set forth in MCR 3.977(F)(2). The supplemental petition was filed on April 4, 2007, and the hearing was not held until June 14, 2007, which is beyond both the original 42-day period and the 21-day extension period prescribed in the court rule. However, it is well established that failure to hold the termination hearing within time limits established by the court rule does not affect the court's jurisdiction and is not a basis for dismissal of the termination order. *In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993). Therefore, appellate relief is not warranted.

Respondent Boe Norton argues that the trial court erred in finding that the evidence supported termination of his parental rights to his child, Tyler Canada. We disagree. We review the trial court's factual findings for clear error. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions that led to the adjudication included respondent Norton's incarceration and lack of any bond or relationship with the child. Respondent Norton has been incarcerated since the seven-year-old child was a year old and has had no significant involvement with the child since that time. Respondent Norton expressed a desire to care for the child upon his release from prison, which could occur in February 2008 if he is granted parole. However, respondent Norton acknowledged that this anticipated release date was not certain, and that he was previously denied parole four times. More significantly, even if respondent Norton is released in February 2008, he would be required to participate in services and it would be a significant amount of time before reunification would be considered. Considering respondent Norton's history, current status, uncertain future, and lack of any significant involvement in the child's life, there is no reasonable likelihood that his circumstances will sufficiently change or improve within a reasonable time and, therefore, no reasonable expectation that he will be able to provide proper care and custody within a reasonable time considering the child's age. The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Also, the evidence did not clearly show that termination of respondent Norton's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent Norton's parental rights to the child. *Id.* at 356.

Affirmed.

/s/ Jane M. Beckering  
/s/ David H. Sawyer  
/s/ Karen M. Fort Hood